

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/30/23 S4/4/23

A Bill

SENATE BILL 523

5 By: Senator C. Tucker
6 By: Representative A. Collins
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ALCOHOLIC
10 BEVERAGES; TO AMEND THE LAW CONCERNING THE EXPANSION
11 OF OUTDOOR DINING AT RESTAURANTS TO INCLUDE BARS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

16 TO AMEND THE LAW CONCERNING ALCOHOLIC
17 BEVERAGES; AND TO AMEND THE LAW
18 CONCERNING THE EXPANSION OF OUTDOOR
19 DINING AT RESTAURANTS TO INCLUDE BARS.
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 3-4-109 is amended to read as follows:

25 3-4-109. Expansion of outdoor dining at restaurants and bars.

26 (a)(1) Except as provided in subsection (b) of this section, a
27 restaurant or bar with a valid alcoholic beverage permit from the Alcoholic
28 Beverage Control Division may expand its outdoor dining availability at the
29 restaurant or bar with approval from the local government zoning authority of
30 the municipality or county in which it is located without obtaining prior
31 approval from the division.

32 (2) A restaurant or bar seeking approval to expand outdoor
33 dining under subdivision (a)(1) of this section shall provide notice to the
34 division of the expansion and change in floor plan.

35 (b) If the expansion in outdoor dining increases the seating capacity
36 in a way that could result in a change in permit type, the restaurant or bar



1 shall obtain division approval prior to expanding the outdoor dining area at
2 the restaurant or bar.

3 (c) A restaurant or bar that expands outdoor dining under this section
4 shall comply with division rules regarding outdoor dining.

5 (d) As used in this section:

6 (1) "Bar" means an establishment that is:

7 (A) Licensed by the division to sell alcoholic beverages
8 for on-premises consumption; and

9 (B) Not a restaurant; and

10 (2) "Restaurant" means a public or private place that:

11 (A) Is kept, used, maintained, advertised, and held out to
12 the public or to a private or restricted membership as a place where complete
13 meals are actually and regularly served;

14 (B) Provides adequate and sanitary kitchen and dining
15 equipment;

16 (C) Has a seating capacity for at least twenty-five (25)
17 persons;

18 (D) Employs a sufficient number and variety of employees
19 to prepare, cook, and serve suitable food for its guests or members;

20 (E) Serves at least one (1) meal per day; and

21 (F) Is open a minimum of five (5) days per week, with the
22 exception of holidays, vacations, and periods of redecorating.

23
24 /s/C. Tucker

25
26
27 **APPROVED: 4/13/23**
28
29
30
31
32
33
34
35
36